
**Agriculture & Natural Resources
Committee**

HB 2910

Brief Description: Establishing a task force on specialized forest products.

Sponsors: Representatives Orcutt, Blake, Kretz, McCune and VanDeWege.

Brief Summary of Bill

- Creates a legislative task force to examine the current state of the law as it related to specialized forest products.

Hearing Date: 1/31/08

Staff: Jason Callahan (786-7117).

Background:

Specialized Forest Products

A specialized forest product (SFP) is, generally, an item found in the forest with a value other than that found with traditional timber. The term SFP is defined to include native shrubs, cedar products, cedar salvage, processed cedar products, speciality wood, edible mushrooms, and certain barks. Many of these terms are further defined to include items such as certain logs or slabs of cedar, spruce, maple, and alder, along with cedar shakes and fence posts.

A SFP permit, or a true copy of the permit, is required in order to possess or transport the following: a cedar product or

- cedar salvage;
- specialty wood;
- more than five Christmas trees or native ornamental trees or shrubs;
- more than five pounds of picked foliage or Cascara bark; and
- more than five gallons of a single mushroom species.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The SFP permit must be obtained prior to harvesting or collecting the products, even from one's own land, and is available only from county sheriffs on forms provided by the Department of Natural Resources (DNR). The permit be validated by a sheriff.

For cedar and speciality wood, a processor must keep records for one year of the purchase and have a bill of lading available to accompany all cedar or speciality wood products.

Violations of the law on SFPs is punishable as a gross misdemeanor, and a convicted individual may face a fine of up to \$1,000 and/or up to one year in a county jail. In addition, a law enforcement officer with probable cause may seize and take possession of any SFPs found and, if the product seized was cedar or specialty wood, may also seize any equipment, vehicles, tools, or paperwork.

An affirmative defense is available to a person being prosecuted under the SFP laws that the SFPs in question were harvested from the defendant's own land or that the SFPs in question were harvested with the permission of the landowner. The burden of proving the defense rests with the defendant, who must establish the defense by a preponderance of the evidence.

Specialized Forest Products Work Group

The SFP Work Group was established in 2007 to be staffed by the DNR and to consist of representation from the DNR, county sheriffs, prosecutors, forest landowners, tribes, wood carvers, cedar processors, and other participants invited by the Commissioner of Public Lands.

The SFP Work Group was directed to review the SFP statutes and current laws dealing with theft, and make recommendations relating to SFP regulations. The recommendations were to provide tools for law enforcement, protection for landowners, not be overly burdensome, be clear, and be administered consistently statewide.

A report from the SFP Work Group, along with draft legislation, was due by December 1, 2007. The SFP Work Group was formed, but consensus recommendations were not identified by the deadline.

Summary of Bill:

A legislative task force (Task Force) on SFPs is established to review the current SFP statutes and applicable theft statutes. The current law must be reviewed to ensure that the regulations provide tools for law enforcement, protection for landowners, are not overly burdensome, are clear, and can be administered consistently statewide.

The Task Force is composed of two members of the House of Representatives and two members from the Senate, all of whom served the previous session on their chamber's Natural Resource Committee, along with at least seven additional appointees representing interests such as sheriffs, prosecutors, wood carvers, and wood processors. If possible, the non-legislative members should be the same individuals who participated on the DNR's SFP Work Group. The Task Force will be staffed by the House Office of Program Research and Senate Committee Services.

The findings of the Task Force must be reported in the form of proposed legislation by December 1, 2008.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.